

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2004-0324-010-025

vs.

Maureen Quidgeon, RN, Lic. No. E49104
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Department of Public Health (hereinafter the "Department") presented the Board of Examiners for Nursing (hereinafter the "Board") with a Statement of Charges and Motion for Summary Suspension dated May 25, 2004. (Dept. Exh. 1.) The Statement of Charges, which was in two counts, alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Maureen Quidgeon (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b). Respondent submitted a written Answer to the Statement of Charges. (Answer, Resp. Exh. I.)

THE FIRST COUNT, PARAGRAPH 2 of the Statement of Charges alleges that at all relevant times, respondent was employed as a registered nurse by ReadyNurse Staffing Services in West Hartford, a personnel provider service.

Respondent denies these charges. (Answer, Resp. Exh. I.)

THE FIRST COUNT, PARAGRAPH 3 of the Statement of Charges alleges that from approximately January through March 2004, while working as a registered nurse for ReadyNurse Staffing Services, respondent:

- a. diverted Oxycodone, Hydrocodone, Oxycontin, Propoxyphene, morphine and/or Dilaudid;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or
- c. falsified one or more Controlled Substance Receipt Records.

Respondent denies these charges. (Answer, Resp. Exh. I.)

THE FIRST COUNT, PARAGRAPH 4 of the Statement of Charges alleges that during approximately January through March 2004, respondent abused or utilized to excess Oxycodone, Hydrocodone, Oxycontin, Propoxyphene, morphine and/or Dilaudid.

Respondent denies these charges. (Answer, Resp. Exh. I.)

THE FIRST COUNT, PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of Oxycodone, Hydrocodone, Oxycontin, Propoxyphene, morphine and/or Dilaudid does, and/or may, affect her practice as a registered nurse.

Respondent denies these charges. (Answer, Resp. Exh. I.)

THE SECOND COUNT, PARAGRAPH 8 of the Statement of Charges alleges that on November 17, 1999, the Connecticut Board of Examiners for Nursing ordered a Consent Order that placed respondent's registered nurse license on probation for a period of four years effective December 1, 1999.

Respondent denies these charges. (Answer, Resp. Exh. I.)

THE SECOND COUNT, PARAGRAPH 9 of the Statement of Charges alleges that Said Order specifically provided that during the entire probation, respondent was not to accept employment as a nurse for a personnel provider service.

Respondent denies these charges. (Answer, Resp. Exh. I.)

THE SECOND COUNT, PARAGRAPH 10 of the Statement of Charges alleges that on or around October 25, 2003, respondent began working as a nurse for a personnel provider agency. During the final five weeks of her license probation, respondent worked on approximately fifteen occasions at six different facilities.

Respondent denies these charges. (Answer, Resp. Exh. I.)

THE SECOND COUNT, PARAGRAPH 11 of the Statement of Charges alleges that respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§ 19a-17 and 20-99(b).

Respondent denies these charges. (Answer, Resp. Exh. I.)

On June 2, 2004, the Board, based on the allegations in the Statement of Charges and accompanying affidavits and reports, found that respondent's continued nursing practice presented a clear and immediate danger to the public health and safety. The Board ordered, pursuant to its authority under §§ 4-182(c) and 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. (Dept. Exh. 1.)

The Board issued a Notice of Hearing June 2, 2004, scheduling a hearing for June 16, 2004. (Dept. Exh. 1.)

The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent and respondent's attorney. (Dept. Exh. 1.)

At the request of respondent, the hearing was continued from June 16, 2004, to August 18, 2004. The hearing took place on August 18, 2004, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing and was represented by counsel. (Transcript, August 18, 2004, p 2.)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number E49104 on September 17, 1986. Respondent was the holder of said license at all times referenced in the Statement of Charges. (Dept. Exh. 1; Answer, Resp. Exh. I.)
2. Pursuant to a Consent Order dated November 17, 1999, the Board ordered that respondent's registered nurse license be placed on probation for a period of four years effective December 1, 1999. Such disciplinary action was based upon respondent's admitted diversions of Demerol from St. Mary's Hospital. Said Order specifically provided that respondent was not to accept employment as a nurse for a personnel provider service during the probationary period. (Dept. Exh. 1A.)
3. Beginning on or about October 25, 2003, approximately five (5) weeks prior to the termination of her probationary period, respondent began working as a registered nurse for ReadyNurse Staffing Services, West Hartford, Connecticut. (Dept. Exh. 1A; Transcript, August 18, 2004, pp. 55-56, 60, 115, 124.)
4. From approximately January through March 2004, while working at numerous facilities as a registered nurse for ReadyNurse Staffing Services, respondent made approximately sixty four (64) omissions on "Medication Administration Records" (hereinafter "MAR"), and the MAR was not documented approximately seventy (70) times. The following are examples of omissions and/or improper documentation:
 - a. While assigned as a registered nurse at Abbott Terrace, Waterbury, Connecticut, respondent signed out on a controlled substance proof of use sheet, two 2-tablet doses of Oxycodone on 12/18/2003 for patient S.A. Respondent signed out one 2-tablet dose at 5:00 p.m. and the second at 10:30 p.m. Respondent did not document either of these two medication administrations on the MAR. On 2/10/2004, respondent signed out two more 2-tablet doses - one 2-tablet dose at 4:30 p.m. and the second at 10:00 p.m. Neither of these two doses is documented on the MAR. Scheduling records at Abbott Terrace indicate that respondent did not work on 2/10/2004 but did work on 2/11/2004. (Dept. Exh. 1B-10.)

- b. On 12/18/2003, while working at Abbott Terrace, respondent signed out two 2-tablet doses of Oxycodone/APAP for patient G.D. at 4:30 p.m. and again at 10:30 p.m. Neither of these two doses was documented on the MAR. (Dept. Exh. 1B-10.)
- c. On 1/5/2004, while working at Abbott Terrace, respondent signed out two 2-tablet doses of Oxycodone/APAP for patient A.W. at 3:30 p.m. and at 7:30 p.m. There are no entries made on the MAR regarding these administrations. There is no documentation in the nurse's notes regarding the patient's complaint of pain. (Dept. Exh. 1B-11.)
- d. On 2/9/2004, while working at Abbott Terrace, respondent signed out two "prn" doses for patient J.L. at 4:00 p.m. and at 8:00 p.m. Respondent also signed out a scheduled 9:00 p.m. dose. On the MAR, the two "prn" doses are indicated as given at 4:00 p.m. and at 8:00 p.m., however, according to the time stamp on the computer record, both of these administrations are documented as entered at 2020 (8:20 p.m.). There is no other documentation of any "prn" dose of Percocet (Oxycodone/APAP) given to this patient for the month of February 2004. The scheduled 9:00 p.m. dose of Oxycodone/APAP and all the other scheduled 9:00 p.m. (2100) medications are time stamped as given at 2313 (11:13 p.m.). (Dept. Exh. 1B-10.)
- e. On 2/11/2004, while working at Abbott Terrace, respondent signed out three doses of Oxycodone for patient D.S. at 3:00 p.m., at 7:00 p.m., and at 11:00 p.m. According to a statement written at the top of the proof of use sheet, Patient D.S. stated that he only asked for and received one tablet that day at bedtime. Patient D.S. was noted to be alert and oriented. According to the MAR, respondent did not document any of the three administrations of Oxycodone/APAP (Percocet) on this date. (Dept. Exh. 1B-11.)
- f. While working as a registered nurse at Litchfield Woods, Torrington, Connecticut between 2/23/2004 and 3/2/2004, respondent signed out ten doses of Hydrocodone/APAP 7.5/750 Vicodin ES for patient M.A., of which only five had a corresponding entries on the MAR. (Dept. Exh. 1B-12.)
- g. On 2/29/2004, while working at Litchfield Woods, respondent documented on a proof of use sheet for patient I.G. that she wasted a dose of Oxycontin. There is no co-signature for this waste. (Dept. Exh. 1B-12.)
- h. While working at Litchfield Woods on 2/13/2004, respondent signed out three doses of Hydrocodone/APAP for patient P.F., however, only the first two doses were documented on the MAR. On 2/16/2004, respondent signed out one dose of Hydrocodone/APAP for patient P.F., however, there is no corresponding entry on the MAR. On 2/23/2004, respondent signed out one dose of Hydrocodone/APAP for patient P.F. at 4:00 p.m., however, this dose was not documented on the MAR until 9:33 p.m. (Dept. Exh. 1B-15.)
- i. While working as a registered nurse at Litchfield Woods on 2/13/2004, respondent signed out doses of Hydrocodone/APAP for patient J.J. at 4:00 p.m. and 9:00 p.m. Neither dose was documented on the corresponding MAR. (Dept. Exh. 1B-15.)

- j. While working as a registered nurse at Litchfield Woods, respondent signed out 17 of 29 doses of Hydromorphone administered to patient G.P. during a three-week period. Respondent was the only nurse to sign out more than one dose per shift. Respondent documents administering pain medication on 2/13/2004 with a follow up note of the result. On 2/23/2004, 2/24/2004, and 2/29/2004, the days when respondent administered multiple doses of Hydromorphone, there is no corresponding documentation indicating the reason for the doses and the effect. (Dept. Exh. 1B-16.)
- k. While working as a registered nurse at Valerie Manor, Torrington, Connecticut, respondent signed out doses of Oxycodone for patient N.E. on 1/16/2004, 1/17/2004, 1/24/2004 and 2/9/2004, for which there is no corresponding entry on the MAR. (Dept. Exh. 1B-18.)
- l. On 2/10/2004, while working as a registered nurse at Valerie Manor, respondent signed out a dose of Oxycodone for patient N.E. at 11:00 p.m., which was subsequently charted as being discarded. There is no co-signature for this waste. (Dept. Exh. 1B-18.)
- m. On 3/9/2004, while working as a registered nurse at Valerie Manor, respondent signed out doses of Hydrocodone for patient R.D. at 3:30 p.m., 7:30 p.m. and 11:00 p.m. The first two doses were documented on the MAR at 7:26 p.m., the 11:00 p.m. dose was not documented on the MAR. (Dept. Exh. 1B-20.)
- n. While working as a registered nurse at Candlewood Village, New Milford, Connecticut, respondent signed out doses of Morphine for patient R.F. at 11:45 p.m. on 03/07/2004 and at 3:00 a.m. on 03/08/2004. Neither of these doses was documented on the MAR or on the PRN Medication Administration sheet. Dept. Exh. 1B-22.
- o. On 3/8/04, while working as a registered nurse at Candlewood Village, respondent signed out two doses of Oxycodone/APAP for patient K.W. Only one of these doses is signed out on the MAR sheet and neither dose is documented on the PRN sheet. (Dept. Exh. 1B-22.)

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Respondent held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . (6) fraud or material deception in the course of professional services or activities . . .

The Board finds that Respondent began employment as a registered nurse for ReadyNurse Staffing Services, West Hartford, Connecticut on October 25, 2003, therefore, the Board concludes that respondent's conduct as alleged in Paragraphs 2 of the Statement of Charges is proven by a preponderance of the evidence presented.

The Board finds that on numerous occasions respondent, while working as a registered nurse, signed out medications on controlled drug proof sheets without documenting them on the corresponding medication administration records and documented medications as wasted without obtaining a co-signature. The fact that the medications were signed out on proof of use sheets but not documented on the MAR is proof that the medications were neither administered to the patients nor wasted and warrants an inference that the medications were diverted. The Board concludes that Paragraph 3 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(2), (6) and 19a-17.

The Board finds no evidence of impairment to suggest that respondent abused the medications she diverted, and therefore paragraphs 4 and 5 of the Statement of Charges were not proven by a preponderance of the evidence presented.

The Board finds that beginning on or about October 25, 2003, while subject to the terms of probation that prohibited employment by a personal provider service, respondent began employment as a registered nurse at ReadyNurse Staffing Services, which is a personal provider service. The Board therefore concludes that respondent's conduct as alleged in paragraphs 8, 9, 10 and 11 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct violates the terms of probation as set forth in a Consent Order dated November 17, 1999. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* § 19a-17.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count of the Statement of Charges, respondent's registered nurse license number E49104, is revoked effective the date this Memorandum of Decision is signed by the Board.
2. That for the Second Count of the Statement of Charges, respondent's registered nurse license, number E49104, is revoked effective the date this Memorandum of Decision is signed by the Board.
3. The Board of Examiners for Nursing finds the misconduct regarding the First Count and the Second Count is severable and each specific offense warrants the disciplinary action imposed.

The Board of Examiners for Nursing hereby informs respondent, Maureen Quidgeon, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 19th day of January, 2005.

BOARD OF EXAMINERS FOR NURSING

By  _____